

US JUDGE/PTO/TC 07 APR 2006

PTO/SB/21 (09-04) MODIFIED

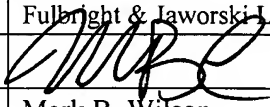
<b>TRANSMITTAL FORM</b>	<b>Application Number:</b>	10/561,506
	<b>Filing Date:</b>	DECEMBER 19, 2005
	<b>First Named Inventor:</b>	ANDREAS MEINKE
	<b>Art Unit:</b>	Unknown
	<b>Examiner Name:</b>	Unknown
Total Number of Pages in this Submission : _____		<b>Attorney Docket Number:</b> SONN:085US

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> References _____ <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input checked="" type="checkbox"/> Declaration(s) 1 <input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements	<input type="checkbox"/> Drawings(s) _____ <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Statement under 37 CFR §3.73(b) <input type="checkbox"/> Designation of Patent Practitioners <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Check in the amount of \$ <input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted Deposit account number: <u>50-1212/SONN:085US</u> <input type="checkbox"/> Sequence Statement <input type="checkbox"/> Paper Copy of Sequence Listing <input type="checkbox"/> Computer Readable Form (CRF) <input checked="" type="checkbox"/> Postcard <input checked="" type="checkbox"/> <u>Second Submission of English translation</u> <input type="checkbox"/> _____
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Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Mark B. Wilson	Reg. No.	37,259
Date	April 7, 2006		

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 67481121 US
DATE OF DEPOSIT	April 7, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
ANDREAS MEINKE et al.

Serial No.: 10/561,506

Filed: DECEMBER 19, 2005

For: CHLAMYDIA PNEUMONIAE  
ANTIGENS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: SONN:085US

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 674811121 US
DATE OF DEPOSIT	April 7, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MS PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants believe the Notification of Missing Requirements was issued in error. The Notification of Missing Requirements states that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge of \$130 as set forth in 37 CFR 1.492(h) must be submitted within the period set forth in the Notification in order to complete the requirements for acceptance under 35 USC 371. However, at the time of filing the national phase application on December 19, 2005, Applicants submitted a copy of the PCT Request which contained a Declaration of Inventorship under Rules 4.17(iv) and 51*bis*.1(a)(iv) for purposes of designation of the United States, that was duly signed by the inventors. A copy of

the previously submitted PCT Request containing the signed Rule 4.17 Declaration is attached hereto as Appendix A.

Paragraph 50B of the PCT Applicant's Guide states that "where the [PCT] request contains a declaration complying with Rule 4.17 (i) to (iv), a designated Office may not (except if it has informed the International Bureau to the contrary) require any document or evidence relating to the subject matter of that declaration unless it reasonably doubts the veracity of the declaration concerned. Since the Rule 4.17 Declaration submitted with the PCT Request was duly signed and dated by all the inventors, Applicants believe that no additional oath or declaration or surcharge is required to be submitted.

Applicants further request that a 371 date of December 19, 2005, be accorded to this national phase application, as that is the date that all 371 requirements, including the Declaration and national fee, were submitted.

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated February 7, 2006, there are enclosed herewith:

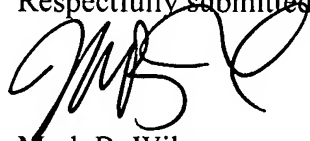
- (a) Declaration executed on behalf of ANDREAS MEINKE, ESZTER NAGY, BIRGIT NOIGES;
- (b) A Power of Attorney on behalf of Intercell AG;
- (c) Second Submission of English translation of IPER; and
- (d) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

An Assignment to Intercell AG and a check for \$40.00 are being filed under separate cover.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/SONN:085US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: April 7, 2006

04/13/2006 MAILROOM 00000100 501212 10331308

01 04/13/07 130.00 DA

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>SONN:085US</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. <b>PCT/EP2004/006460</b>	INTERNATIONAL FILING DATE <b>16 June 2004</b>	PRIORITY DATE CLAIMED <b>17 June 2003</b>
TITLE OF INVENTION <b>CHLAMYDIA PNEUMONIAE ANTIGENS</b>		
APPLICANT(S) FOR DO/EO/US <b>Andreas MEINKE; Eszter NAGY; Birgit WINKLER</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input checked="" type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/EP2004/006460	ATTORNEY'S DOCKET NUMBER SONN:085US
20. Other items or information:  PCT Request (incl. Rule 4.17 declaration for purposes of the U.S.); Forms PCT/IB/304 & IB/308 (2); PCT Publication WO 2004/113374 A2; PCT Publication WO 2004/113374 A3 w/International Search Report; Transmittal of Material Submitted on Compact Disc and Statement as Required under 37 CFR 1.52(e); Statement as Required under 37 CFR 1.821(f) and Statement as Required under 37 CFR 1.825(a)		
The following fees have been submitted		<b>CALCULATIONS</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
All other situations.....\$200		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100		\$
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400		\$
All other situations.....\$500		\$
<b>TOTAL OF 21, 22 and 23 =</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x \$250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	1
Independent claims	- 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL =</b>		\$
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$
		Amount to be refunded:
		\$
		Amount to be charged
		\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 32425

Express Mail No.: EV 674811121 US  
Mailing Date: April 7, 2006

  
SIGNATURE

Mark B. Wilson

NAME

37,259

REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/561,506	Andreas Meinke	SONN:085US

32425  
FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN, TX 78701

INTERNATIONAL APPLICATION NO.	
PCT/EP04/06460	
I.A. FILING DATE	PRIORITY DATE
06/16/2004	06/17/2003

CONFIRMATION NO. 6550

371 FORMALITIES LETTER



\*OC000000017927861\*

Date Mailed: 02/07/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/19/2005
- Copy of the International Search Report filed on 12/19/2005
- Preliminary Amendments filed on 12/19/2005
- Biochemical Sequence Diskette filed on 12/19/2005
- Biochemical Sequence Listing filed on 12/19/2005
- U.S. Basic National Fees filed on 12/19/2005
- Specification filed on 12/19/2005
- Claims filed on 12/19/2005
- Abstracts filed on 12/19/2005
- Drawings filed on 12/19/2005
- Paper nucleotide sequence listings filed on 12/19/2005
- Paper Computer Listings filed on 12/19/2005

FULBRIGHT & JAWORSKI, LLP  
IPT DOCKETING  
Docketed ☒ Not Req'd ☐ Confirmation ☐  
Initials 1st JA Initials 2nd JE

FEB 22 2006

Attorney MBWDocket No. SONN:085US

Action Req'd

Date Due

*Missing Parts due 4/7/06.  
Final 9/7/06.*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.



## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,506	PCT/EP04/06460	SONN:085US

FORM PCT/DO/EO/905 (371 Formalities Notice)